

This Notice May Affect Your Legal Rights To Back Pay and Other Damages

PLEASE READ CAREFULLY

Please direct questions to lead counsel, Daniel Rosenthal, at (202) 496-0500 or
dmrosenthal@jamhoff.com.

**THE UNITED STATES COURT OF FEDERAL CLAIMS HAS AUTHORIZED THIS
NOTICE
THE COURT HAS ISSUED NO RULING ON THE MERITS OF THE CASE**

**To: Certain past or present employees of the Department of Justice (“DOJ”) who
were detailed to the Department of Health and Human Services (“HHS”)
Office of Refugee Resettlement (“ORR”) Unaccompanied Children Program
within the past three years, and who meet additional criteria listed in the
form attached to this notice.**

The purpose of this notice is to inform you that you may be able to participate in a collective-action lawsuit alleging that DOJ employees were not properly paid for overtime work while detailed to the Department of Health and Human Services Office of Refugee Resettlement Unaccompanied Children Program. This notice explains your options and how to participate, if you choose to do so. The case name is *Grimes v. United States of America*, Case No. 22-1682 in the United States Court of Federal Claims. To participate, you must complete the form attached to this notice.

1. Why did I get this notice?

The Government’s records indicate that you meet the criteria listed in the form attached to this notice. This notice is solely for the purpose of advising recipients of their right to participate in this lawsuit, and has no other purpose.

2. What does the lawsuit allege?

The Plaintiff has sued the United States in the United States Court of Federal Claims alleging that she was not properly paid for overtime work under the Fair Labor Standards Act (FLSA) while on detail to the Department of Health and Human Services Office of Refugee Resettlement Unaccompanied Children Program. Specifically, Plaintiff claims that although her ordinary position was exempt from the FLSA, her temporary duties while on detail made her non-exempt, and that she thus should have received time-and-one-half overtime pay while on detail.

Plaintiff is suing to recover backpay, liquidated damages, attorneys’ fees, and costs under the FLSA. Liquidated damages may be up to an additional 100% of back pay due.

To be included in this lawsuit you must complete and sign the attached consent form and return it to Plaintiff's counsel.

3. Who represents the Plaintiff?

The Plaintiff has retained the law firms of James & Hoffman, P.C., and Blanchard & Walker, PLLC, to represent Plaintiff's interests in this matter.

The lead attorney for Plaintiff can be contacted as set forth below:

Daniel Rosenthal
James & Hoffman, P.C.
1629 K Street, NW
Suite 1050
Washington, DC 20006
(202) 496-0500
dmrosenthal@jamhoff.com

4. How can I join the lawsuit?

Attached you will find a consent form entitled "Consent to Join." If you choose to join the lawsuit, please read, complete, and sign and return the form to Plaintiff's counsel. The form can be sent by email or mail to Plaintiff's counsel, who will file the form with the Court.

The preferred method of submitting the consent form is by email to dmrosenthal@jamhoff.com.

By mail, the form may be sent to:

Daniel Rosenthal
James & Hoffman, P.C.
1629 K Street, NW
Suite 1050
Washington, DC 20006

The signed consent form must be returned on or before **[60 days after sending of notice]**. If it is not timely returned, you may be unable to participate in the recovery, if any, obtained against Defendant in this lawsuit. If you have questions about filling out or sending in the consent form, please contact Plaintiff's counsel at dmrosenthal@jamhoff.com or 202-496-0500. It is strongly recommended that you contact Plaintiff's counsel after submitting your consent form.

5. What are the effects of joining this lawsuit?

If you choose to join this lawsuit, you will be bound by any judgment or monetary settlement that may be reached. This means that, if Plaintiff prevails in demonstrating a violation of the FLSA as alleged, you may be entitled to recover damages for unpaid overtime work. Similarly, if the parties reach a settlement, then you may be entitled to recover damages as part of the settlement. If no settlement is reached, you will be bound by the Court's decision, whether it is favorable or unfavorable.

In addition, if you join, you cannot sue the United States separately about the same or related claims asserted in this lawsuit. By joining this lawsuit, you designate the named Plaintiff and her counsel as your representative to make (a) decisions on your behalf concerning the litigation, (b) the method and manner of conducting this litigation, and (c) all other matters pertaining to this lawsuit. By agreeing to participate in this lawsuit, you may be required to provide information, sit for depositions, and testify at trial.

The decisions made by the named Plaintiff will be binding on you if you join this lawsuit.

You will also be bound by a retainer agreement with Plaintiff's lawyers. The retainer agreement provides for a 33% contingency fee. Retaining attorneys on a contingency fee basis means that the attorney will receive 33% of any settlement or judgment in Plaintiff's favor.

The FLSA provides for attorney's fees pursuant to 29 U.S.C. § 216(b), as follows: "The court in such action shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action." Recovery of attorney's fees under this provision will not offset or reduce the 33% contingency fee that will be deducted from your recovery.

If Plaintiff is denied any recovery, the attorneys will not receive any attorneys' fees, and Plaintiff will owe nothing to the attorneys. A copy of the retainer agreement can be requested from Plaintiff's counsel Daniel Rosenthal. If the suit is unsuccessful, and if the Government seeks costs, such costs will be paid by Plaintiff's lawyers in accordance with the retainer agreement referenced in this notice.

If you join the lawsuit, Plaintiff's lawyers will represent you in this lawsuit. You may communicate with them, provide input, and receive advice from them about this lawsuit. You may also seek advice or representation from another lawyer if you choose to retain one in addition to Plaintiff's lawyers, but you will be required to pay your lawyer yourself in addition to Plaintiff's lawyers.

If you wish to be represented by another attorney in this case, you or your attorney may file a

6. What are the effects of not joining this lawsuit?

If you choose not to join this lawsuit, you will not be affected by any settlement or judgment of this case, whether favorable or unfavorable. In addition, you will not be entitled to share any amounts recovered through this case. If you do not join this lawsuit, you will also be free to file your own lawsuit, subject to any defenses the Government might assert.

7. Will joining the lawsuit affect my employment with the government?

Federal law prohibits the United States or any of its Agencies from retaliating against you in any way because of any decision you might make to take part in this case or to exercise your rights under the Fair Labor Standards Act.

* * *

Additional information about this notice or the lawsuit may be obtained from Plaintiff's counsel Daniel Rosenthal. Please refrain from contacting the court with questions or requests for information.

CONSENT TO JOIN

1. Within the past three years:

- I was employed by the Department of Justice (DOJ)
- I was classified as exempt from the Fair Labor Standards Act (FLSA)
- I went on detail to the Department of Health and Human Services Office of Refugee Resettlement Unaccompanied Children Program
- While on detail, I performed any of the following positions/duties, or any similar position/duty: Youth Care Worker; Onsite Volunteer Coordinator; Youth Care Volunteer; Case Management Volunteer; Line of Sight (LOS); Child Supervision; Spanish Translator; Phone Center Support; Unaccompanied Children (UC) Discharge Reports; Serious Incident Report; Medical Records Management; Case Manager; ESL Teacher to Afghan women; Clothing Distribution; Discharge Coordinator; Transportation Coordinator; Case Management; Transportation Assistance; Records Management Specialist; SIR Reviewer; Lead SIR Reviewer; Approvals Box; Medical Transport Driver; Medical Support Team; and COR Support Team.

2. While on detail, I worked more than eight hours in a day at least once, or more than 40 hours during at least one week, and did not receive time-and-one-half overtime pay for that work.
3. I consent to be a claimant in litigation under the Fair Labor Standards Act as part of the lawsuit *Grimes v. United States of America*, Case No. 22-1682, in the U.S. Court of Federal Claims. I understand that I will be bound by any judgment by the Court or settlement of this action.
4. I designate the named Plaintiff and her counsel to make decisions regarding this lawsuit on my behalf, and I authorize the law firms of James & Hoffman, P.C. and Blanchard & Walker, PLLC to represent me in this matter. I consent to be bound by the retainer agreement signed by the named Plaintiff.

Signature: _____

Name: _____

Date: _____

Email: _____

Phone number: _____

Return this form by email to dmrosenthal@jamhoff.com or to the address set forth in the notice.